



Tyngsborough Board of Health

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Steve Berthiaume

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Board of Health Meeting Minutes

June 9, 2014

Members Present: Sheila Perrault (SP), Bernadette Harper (BH), , Steve Berthiaume (SB),

Also Present: Kerri C. Oun (KO) – Health Agent, Dariza Chan (DC) – Administrative Assistant, Matt Waterman (MW) – Landtech Consultant

6:10 Meeting Opened

SP opened meeting

6:10 Bridgeview Convenience (168 – 172 Middlesex Rd)

Jay Patel (owner) and Doug Lee (engineer) were present to update the Board on the septic system. Mr. Patel informed the Board that the wall has been staked for the construction and wall construction will start on the 19th. He has permit from the Building Department to start working on the first part of the wall and will request the 2nd permit to start on the 2nd part of the wall. Once the wall is done, the construction of the building will begin and half of the old building (the restaurant) will be removed. Once the restaurant is removed, the grease trap will be removed. At that point, he would like to use the holding tank instead of building a temporary septic system as planned. The wall is estimated to be complete in September or October. During construction, he wants to keep the convenience store opened. SP questioned why the wall needs 2 building permit. Mr. Patel said that he is not sure and speculate that maybe due to the 2nd part of the wall will be higher than the 1st part. The Board asked why it would take 3 months to complete the wall. MW said it maybe money issue or the owner is waiting for sewer to come down the street. MW has only reviewed the temporary septic tank plan. He does not feel comfortable with the lack of definitive plan. He noted that at this point, there is no public health threat. During the last inspection, the groundwater was high. The place needs to be monitor to ensure that there is no outbreak or public health threat. The Board asked for a septic plan design to be submitted within 2 weeks (by June 23, 2014) and for Mr. Patel come to the August meeting (providing that there is no public health threat) to update the Board. The Board asked Mr. Patel to come back with a clear timeline.

6:45 346 Middlesex Rd

Betsy Chisholm, one of the Chisholm Family Trust trustees, was present to request more time to make repair to the septic system. Health agent KO received a complaint on the septic system. She inspected the site and noted that sewer back-up to the ground. She issued an

order to correct that included pumping immediately, repair/ replace septic system and regular pumping until system is repair. Ms. Chisholm reported the following plan of action:

- Had septic tank pump.
- Will have the septic pumped on a schedule until tenants move out.
- Negotiated with tenants to move out and expected final decision by this Sunday.
- Vacate the residence indefinitely to prevent further overflow.
- Consider selling the property for commercial/industrial use.

MW has no issue with the delay in repair as long as the tenants move out. The Board asked the owners to update Health Agent regarding the status of negotiation with tenants and to provide pumping records.

6:50 Whitman Woods (Longfellow Lane)

Melissa and Peter Welsh, Ruth Carter, and Gregory Brown (tenants at 3 Longfellow Lane), and John McKone of Winn Management, Roberto Aristo from Dakota Partners, and Ken A. Krems and Scott Carman, legal representatives for the property owners, were present. Residents from Whitman Woods have written a petition to come before the Board of Health to discuss health concerns. Melissa Welsh informed the Board some of her concerns. She said other residents wanted to come to tonight's meeting but were not able to make it. She presented letters from other tenants. She stated that between October to March, the residents did not have sufficient hot water and heat. As of today, the issues have been resolved. She and the other tenants have the following concerns:

1. Management: She wanted to put in a petition for new management. She claimed she has written Mr. McKone letters and never received any response. She felt they were treated with disrespect. Many tenants are afraid of being evicted if they make complaints because it is a low income property.
2. Drugs and Crimes: She claimed there are many drug activities in the building. The building has been broken into. There is even a meth lab in one of the unit. The Police Department has been to the building many times. She has spoken to the Chief of Police. She wants a safe living environment.
3. Air Conditioner was full of mold. She has spoken to KO. She claimed they only come to clean it when she threatened to call the BOH. Ms. Carter claimed she had reported the issue and it was just recently cleaned. Ms. Carter and Mrs. Welsh claimed they have gotten sick after turning on the ACs.
4. Management started working on the building with painting and cleaning right before HUD inspection (that was done on May 30, 2014). Lisa Gibbons, one the tenants that was not able to make the meeting, provided pictures of her apartment after management went into to make repairs. Claimed they did not clean her apartment after they were done.
5. Summer Rules: Management has put rules for tenants with a \$25 fine including illegal activities. Ms. Welsh finds it incredulous.
6. Space Heaters: Tenants were provided space heaters during the time there was no heat. According to Ms. Carter, HUD does not allow space heaters in the units and according to the Building rules, space heaters are not allowed.

Mr. Gregory Brown claimed that management has a lack of desire to enforce their own rules. He has seen many activities in the building. He recommended that the owner hire security guards. Mr. Brown claimed he used to be a police officer. He is

willing to work with the owners and management. Mrs. Welsh said she will start a neighborhood crime watch.

Mrs. Welsh also claimed that a tenant in building 2 do not have hot water. The tenant is afraid to come forward to report the issue because of the fear of being evicted. KO encouraged Mrs. Welsh to inform the tenant that the tenant cannot be evicted or have their rent raised for at least 6 months in retaliation for calling the Board of Health. The Board asked the owner and management company to check Building 2 for hot water issue.

Mr. Roberto Arista apologized for the hot water and heat issue. He claimed it is an energy efficient and sophisticated system. This also happened to be one of the coldest winters. The owners have brought in the engineer and consultant to figure out what was wrong with the system. It was a step-wise process. As of right now, they have a plan in place to make repairs to Building 1 and 2 before winter.

The Board informed the tenants that they do not have the authority to dictate to the owner who to hire as a management company per the State Housing Code. They may seek HUD assistant in that matter. They encourage the tenants to work with the Police Department regarding the drugs and crimes issue and asked the owners and the management company to work with the tenants and be more responsive. The Board felt that one of the bigger issues is the communication of management with the tenants. The Board asked owner to submit plan for the repair of the hot water and heat system of Building 1 and 2 to the Board of Health and to investigate hot water issue in Building 2.

Mr. Brown thanked everyone and appreciated the opportunity to be heard and meet the owner and management.

7:40 Policies for Trash and Recycling

KO reported she has asked 3 surrounding communities regarding their policies for trash and recycling pick-up for people who cannot put their trash or recycling out. They do not have a written policy regarding the pick-ups for the disable. The waste haulers in those communities agree to make arrangements for the residents.

7:45 Tobacco

Board worked on Tobacco regulation. KO will submit to D.J. Wilson Tobacco Control Director, Public Health Liaison at Mass. Municipal for review.

7:55 Trash and Recycling

Recycling Calendar – KO reported that Republic Service cannot get an agreement from all the Town to agree to the major holidays. Holidays will stay the same. SB reviewed the calendar and noted Patriot Day is not circled as a holiday. KO will work on recycling calendar.

SB reported Recycling Subcommittee will be selling trash and bulky stickers once a month at the Farmer's Market.

8:00 Health Agent's and Administrative Assistant's Report:

Board approved additional hours request for Administrative Assistant.

DC reported that there are only 2 people applying for farmer's market thus far. She also provided reports on the # of extra recycling carts sold, extra trash carts leased, and the number of bulky items sold.

BH said she knows a nurse who is interested in the vacant position on the Board of Health. She will ask her to submit letter of interest.

8:05 Meeting Minutes

SB: made motion to accept the meeting minutes from May 12, 2014.

BH: 2nd the motion

All in favor

8:06 Meeting Adjourned